

Prob12B  
D/NV Form  
Rev. Mar. 2007

United States District Court  
for  
the District of Nevada

FILED	RECEIVED
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COUNSEL/PARTIES OF RECORD	
FEB - 7 2012	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY:	DEPUTY

REQUEST FOR MODIFICATION  
TO CONDITIONS OF SUPERVISION WITH CONSENT OF OFFENDER  
*Probation Form 49 (Waiver of Hearing) is Attached*  
February 3, 2012

Name of Offender: DAVID EUGENE NELSON

Case Number: 2:10-cr-009-KJD-RJJ

Name of Sentencing Judicial Officer: Honorable Kent J. Dawson

Date of Original Sentence: March 23, 2011

Original Offense: Clean Air Act - Falsifying Emissions Data

Original Sentence: 3 years probation

Date of Prior Revocation: November 9, 2011

Revocation Sentence: 30 days custody; 18 months supervised release

Date Supervision Commenced: November 23, 2011

PETITIONING THE COURT

     To extend the term of supervision          Months, for a total term of          Months.

☒ To modify the conditions of supervision as follows:

1. **Reside in Residential Re-entry Center** - You shall reside at and participate in the C.A.R.E. program of a residential re-entry center for a period of up to seven months as approved and directed by the probation officer. If you test positive for alcohol/a controlled substance or violate the conditions of the C.A.R.E program, you will be taken into custody for a minimum custodial period of seven days. Additionally, you shall refrain from the use and possession of any synthetic/designer drug or any mind/or body altering substance. Use of possession of any synthetic/designer drugs will result in your termination from the C.A.R.E. program.

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**RE: DAVID EUGENE NELSON**


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**CAUSE**

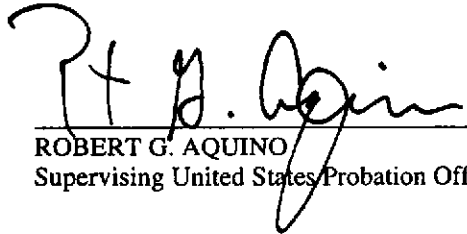
Mr. Nelson is currently pending his revocation hearing on February 7, 2012. The probation office will be recommending that Mr. Nelson be continued on supervision and enter the intensive inpatient substance abuse program at the residential re-entry center. Should the Court agree to this recommendation, we request that Mr. Nelson's conditions be modified to include residential re-entry center placement with the C.A.R.E. program. Adding this condition prior to the revocation hearing will allow the probation office to get Mr. Nelson placed into the program without delay. Mr. Nelson has read and signed the probation form 49/waiver of hearing and does not oppose the modification. The form is attached for the Court's review.

If Your Honor should have any questions or need additional information, please contact me at (702) 527-7306.

Respectfully submitted,

  
\_\_\_\_\_  
JOEL NELSON  
United States Probation Officer

APPROVED:


  
\_\_\_\_\_  
ROBERT G. AQUINO  
Supervising United States Probation Officer

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**THE COURT ORDERS:**

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- \_\_\_\_\_ No action
- \_\_\_\_\_ The extension of supervision as noted above
- 160 The modification of conditions as noted above
- \_\_\_\_\_ Other

  
\_\_\_\_\_  
Signature of Judicial Officer

FEB 7, 2012  
\_\_\_\_\_  
Date

PROB 49  
(3/89)

## UNITED STATES DISTRICT COURT

### District of Nevada

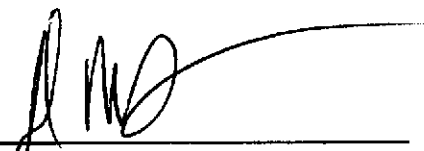
#### Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

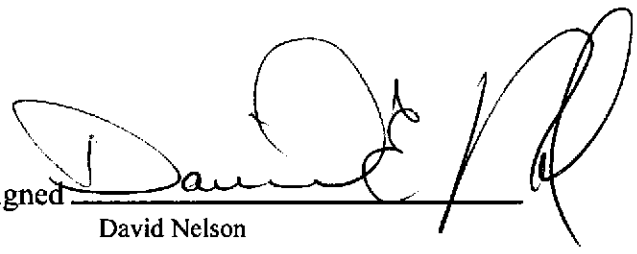
I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

- 1. Reside in Residential Re-entry Center** - You shall reside at and participate in the C.A.R.E. program of a residential re-entry center for a period of up to seven months as approved and directed by the probation officer. If you test positive for alcohol/a controlled substance or violate the conditions of the C.A.R.E program, you will be taken into custody for a minimum custodial period of seven days. Additionally, you shall refrain from the use and possession of any synthetic/designer drug or any mind/or body altering substance. Use of possession of any synthetic/designer drugs will result in your termination from the C.A.R.E. program.

Witness

  
\_\_\_\_\_  
U.S. Probation Officer

Signed

  
\_\_\_\_\_  
David Nelson

February 1, 2012

\_\_\_\_\_  
Date